

STEPHEN D. MASHUDA (WSB #36968)  
AMANDA W. GOODIN (WSB #41312)

THE HONORABLE THOMAS S. ZILLY

Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340 | Phone  
(206) 343-1526 | Fax  
smashuda@earthjustice.org  
agoodin@earthjustice.org

*Attorneys for Plaintiffs, Northwest Center for  
Alternatives to Pesticides, Pacific Coast Federation  
of Fishermen's Associations, Institute for Fisheries  
Resources, Defenders of Wildlife, Joel Kawahara,  
and Edward Deryckx*

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

NORTHWEST CENTER FOR ALTERNATIVES )  
TO PESTICIDES, PACIFIC COAST FEDERATION ) Civ. No. 10-01919-TSZ  
OF FISHERMEN'S ASSOCIATIONS, INSTITUTE )  
FOR FISHERIES RESOURCES, DEFENDERS OF )  
WILDLIFE, JOEL KAWAHARA, and EDWARD ) JOINT STATUS REPORT  
DERYCKX, )

Plaintiffs, )

v. )

UNITED STATES ENVIRONMENTAL )  
PROTECTION AGENCY, )

Federal Defendant, )

v. )

CROPLIFE AMERICA, RISE, OREGONIANS FOR )  
FOOD AND SHELTER, WASHINGTON FRIENDS )  
OF FARMS AND FORESTS; DOW )  
AGROSCIENCES LLC; and WILLAPA/GRAYS )  
HARBOR OYSTER GROWERS ASSOCIATION, )

Intervenor-Defendants. )

1 In accordance with the Court's April 30, 2013 Minute Order (Dkt. #128), the Parties have  
 2 conferred regarding the status of this case. As indicated in the April 23, 2013 Joint Status Report  
 3 (Dkt. #127), Plaintiffs will seek to file a supplemental complaint in light of the Fourth Circuit's  
 4 decision in *Dow AgroSciences LLC v. NMFS*, 707 F.3d 462 (4th Cir. 2013). Plaintiffs intend to do so  
 5 by August 15, 2013. Plaintiffs have agreed to circulate a draft of that supplemental complaint no  
 6 later than August 2, 2013 to allow the Federal Defendant and Defendant-Intervenors to consider  
 7 whether to oppose the filing of the supplemental complaint.

8 The Parties request that the Court require the Parties to submit a joint status report no later  
 9 than August 9, 2013 presenting the Parties' position or positions as to whether the filing of Plaintiffs'  
 10 supplemental complaint will be opposed and—to the extent that the Court grants Plaintiffs leave to file  
 11 their supplemental complaint—on the schedule for the filing of any responses or answers to that  
 12 supplemental complaint.

13 Respectfully submitted this 18th day of July, 2013.

14  
 15  
 16 s/ Stephen D. Mashuda  
 17 STEPHEN D. MASHUDA (WSB #36968)  
 18 AMANDA W. GOODIN (WSB #41312)  
 19 Earthjustice  
 20 705 Second Avenue, Suite 203  
 21 Seattle, WA 98104  
 (206) 343-7340 | Phone  
 (206) 343-1526 | Fax  
 smashuda@earthjustice.org  
 agoodin@earthjustice.org

22 *Attorneys for Plaintiffs, Northwest Center for*  
 23 *Alternatives to Pesticides, Pacific Coast Federation*  
 24 *of Fishermen's Associations, Institute for*  
 25 *Fisheries Resources, Defenders of Wildlife, Joel*  
 26 *Kawahara, and Edward Deryckx*

\* per email authorization

s/ Stephen D. Mashuda, for \*  
MEREDITH L. FLAX (D.C. Bar #468016)  
J. BRETT GROSKO (Maryland Bar)  
United States Department of Justice  
Wildlife and Marine Resources Section  
Environment & Natural Resources Section  
United States Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044-7611  
(202) 305-0404/(202) 305-0342 | Phone  
(202) 305-0275 | Fax  
meredith.flax@usdoj.gov  
brett.grosko@usdoj.gov

*Counsel for the Federal Defendant*

*Of Counsel*

Mark Dyner, Esq.  
Environmental Protection Agency  
Office of General Counsel  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

\* per email authorization

s/ Stephen D. Mashuda, for \*  
J. MICHAEL KLISE (*pro hac vice*)  
Amy Chasanov, WSB No. 41557  
Crowell & Moring LLP  
1001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2595  
(202) 624-2629 | Phone  
jmkklise@crowell.com

*Attorneys for Defendant-Intervenors CropLife  
America, Washington Friends of Farms and  
Forests, Oregonians for Food and Shelter,  
and Responsible Industry for a Sound Environment*

\* per email authorization

s/ Stephen D. Mashuda, for \*

DAVID B. WEINBERG  
JOSEPH S. KAKESH  
Wiley Rein LLP  
1776 K Street, N.W.  
Washington, D.C. 20006  
(202) 719-7000 | Phone  
(202) 719-7049 | Fax  
dweinberg@wileyrein.com  
eandreas@wileyrein.com

ROY A. UMLAUF  
KENNETH M. ROESSLER  
Forsberg & Umlauf, P.S.  
901 Fifth Avenue, Suite 1400  
Seattle, WA 98164-2050  
(206) 689-8500 | Phone  
(206) 689-8501 | Fax  
rumlauf@forsberg-umlau.com  
kroessler@forsberg-umlau.com

*Attorneys for Intervenor-Defendant Dow  
AgroSciences LLC*

\* per email authorization

s/ Stephen D. Mashuda, for \*

SAMUEL W. PLAUCHE  
AMANDA M. STOCK  
Plauché & Stock LLP  
811 First Avenue, Suite 630  
Seattle, WA 98104  
(206) 588-4188 | Phone  
billy@plauchestock.com  
amanda@plauchestock.com

*Attorneys for Willapa/Grays Harbor Oyster  
Growers Association*

CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the State of Washington. I am over 18 years of age and not a party to this action. My business address is 705 Second Avenue, Suite 203, Seattle, Washington 98104.

I HEREBY CERTIFY that on July 18, 2013, I electronically filed the following documents:

1. Joint Status Report.

with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Meredith L. Flax  
J. Brett Grosko  
U.S. Department of Justice  
Environment and Natural Resources Division  
Wildlife and Marine Resources Section  
Benjamin Franklin Station, P.O. Box 7369  
Washington, D.C. 20044-7369

**Street Address:**

601 D Street, N.W., Room 3712  
Washington, D.C. 20004  
(202) 305-0404 | Phone (Meredith)  
(202) 305-0342 | Phone (Brett)  
(202) 305-0275 | Fax  
meredith.flax@usdoj.gov  
brett.grosko@usdoj.gov  
*Attorney for Federal Defendants*

- ☐ via facsimile
- ☐ via overnight mail
- ☐ via first-class U.S. mail
- ☐ via hand delivery
- ☒ via Court ECF system
- ☐ via email

J. Michael Klise  
 Amy Chasanov  
 Steven P. Quarles  
 Crowell & Moring LLP  
 1001 Pennsylvania Avenue, N.W.  
 Washington, D.C. 20004-2595  
 (202) 624-2629 | Phone  
 (202) 624-2690 | Phone  
 (202) 628-5116 | Fax  
 jmklise@crowell.com  
 achasanov@crowell.com  
 squarles@crowell.com  
*Attorney for Intervenor-Defendant CropLife America, RISE,  
 Oregonians for Food and Shelter, and Washington Friends of  
 Farms and Forests*

- ☐ via facsimile  
☐ via overnight mail  
☐ via first-class U.S. mail  
☐ via hand delivery  
☒ via Court ECF system  
☐ via email

Roy A. Umlauf  
 Kenneth M. Roessler  
 Forsberg & Umlauf, P.S.  
 901 Fifth Avenue, Suite 1400  
 Seattle, WA 98164-2050  
 (206) 689-8500 | Phone  
 (206) 689-8501 | Fax  
 rumlauf@forsberg-umlau.com  
 kroessler@forsberg-umlau.com  
*Attorneys for Intervenor-Defendant Dow AgroSciences LLC*

- ☐ via facsimile  
☐ via overnight mail  
☐ via first-class U.S. mail  
☐ via hand delivery  
☒ via Court ECF system  
☐ via email

David B. Weinberg  
 Cori Lombard  
 Joseph S. Kakesh  
 Wiley Rein LLP  
 1776 K Street, N.W.  
 Washington, D.C. 20006  
 (202) 719-7000 | Phone  
 (202) 719-7049 | Fax  
 dweinberg@wileyrein.com  
 clombard@wileyrein.com  
 jkakesh@wileyrein.com  
*Attorneys for Intervenor-Defendant Dow AgroSciences LLC*

- ☐ via facsimile  
☐ via overnight mail  
☐ via first-class U.S. mail  
☐ via hand delivery  
☒ via Court ECF system  
☐ via email

1 Samuel W. Plauché

Amanda M. Carr

2 Plauché & Carr LLP

811 First Avenue, Suite 630

3 Seattle, WA 98104

(206) 588-4188 | Phone

4 billy@plauchecarr.com

amanda@plauchecarr.com

5 *Attorneys for Intervenor-Defendant Willapa/Grays Harbor Oyster*

6 *Growers Association*

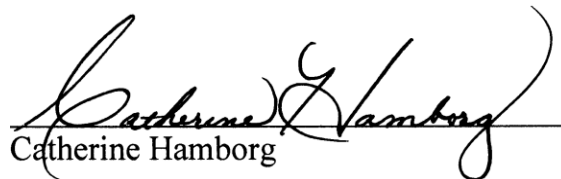
- ☐ via facsimile
- ☐ via overnight mail
- ☐ via first-class U.S. mail
- ☐ via hand delivery
- ☒ via Court ECF system
- ☐ via email

7 AND I FURTHER CERTIFY that I have mailed by United States Postal Service the  
8 documents to the following non-CM/ECF participants:

9 None

10 I, Catherine Hamborg, declare under penalty of perjury that the foregoing is true and correct.

11 Executed this 18th day of July, 2013, at Seattle, Washington.

12  
13  
14   
Catherine Hamborg